



CITY ATTORNEY

CITY OF MARTINSVILLE, VA



The City of Martinsville is seeking a licensed attorney to serve as City Attorney, the legal representative of the City and the advisor to City Council, the City Manager, and City departments, boards, and commissions. This will be a full-time position with all the responsibilities, expectations, and benefits of employees of the City of Martinsville. Currently, legal counsel is being provided by a private firm and City Council desires to bring legal services in-house.

This recruitment profile provides background information on the community, its government operations, and its aspirations. It also outlines the qualifications, experience, and characteristics determined to be necessary and desirable for successful performance as City Attorney.

Qualified candidates are encouraged to submit a cover letter and resume, with salary expectations, professional references, and proof of licensure to The Berkley Group via email at kimball.payne@bgllc.net. While the position is open until filled, **the formal review of applicants will begin May 31, 2024**. Inquiries relating to the City Attorney position may be directed to:

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The Berkley Group
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COMMUNITY BACKGROUND

Martinsville, in the Southern Virginia foothills of the Blue Ridge Mountains, is a small, welcoming city with a big city history and feel. Well known for the Martinsville Speedway and NASCAR racing, Martinsville is equally inviting for a low cost of living, a family friendly environment, high quality schools, and peaceful living. Martinsville is a safe, active community with generous people who are proud to work together and help each other maintain an exceptional quality of life.



LOCATION & TRANSPORTATION

Martinsville is an independent city in the Commonwealth of Virginia. A community of both Southside and Southwest Virginia, it is surrounded by Henry County, although the two are separate jurisdictions. The City's 11 square miles are geographically diverse. The north side of the city has the highest average elevation, the west side is hilly, and the east side gradually slopes down to the Smith River on the south side.

Martinsville is accessed by two federal highways, U.S. Route 58, and Route 220. Additional state highways connect the City to the nearby cities of Roanoke and Danville, Virginia, and Greensboro and Winston-Salem, North Carolina, all less than 55 miles away.

The City of Martinsville offers its citizenry a comprehensive – and increasingly multimodal – transportation system, with proximity to interstate, air, and passenger rail service. The Piedmont Area Regional Transit system, or PART, provides fixed route service throughout the City and to parts of Henry County.

Five interstate highways are located within a 50-mile radius of the City of Martinsville, and include Interstates 81, 77, 40, 85, and future Interstate 73, providing access to 60% of the country's population within a day's drive.

Amtrak provides passenger rail service from Danville and Roanoke, by which passengers can travel northeast to Washington, D.C. and beyond, or south to destinations including Charlotte, Atlanta, and New Orleans (via Danville).

Martinsville is served by two commercial airports within less than an hour's drive: Roanoke–Blacksburg Regional Airport (ROA) in Roanoke, and Piedmont Triad International Airport (GSO) in Greensboro, North Carolina.

The Blue Ridge Regional Airport, located in Henry County west of Martinsville, provides general aviation services with a 5,000-foot runway, flight services, aircraft maintenance, and fueling. The airport allows easy access to the Martinsville Speedway and the Primland resort, popular regional attractions.





HISTORY

Prior to its settlement, the area now known as Martinsville, was a land of fertile savannahs with tree cane, park-like forests, and open level meadows. It was also home to Native Americans (sources differ on whether it was the Sioux or the Algonquin tribe). In 1793, the county seat moved to a little village called "Henry Courthouse" that was soon named Martinsville to honor General Joseph Martin, a prominent leader in the American Revolution and in the settlement of Southwest Virginia. In 1873, Martinsville was incorporated as a town. The town government was set up much like it is today with a mayor and eight councillors elected by the citizens. Martinsville became an independent city by court order in 1928 and received a charter in 1942. It retained its status as the county seat of Henry County.

Tobacco was the primary cash crop in the area, and it is said that the first man to build a rock flue for curing tobacco was from Henry County. With the coming of the area's first railroad, the Danville and Western Railroad, in 1882, many tobacco factories were located in Martinsville. Martinsville became world-renowned for the quality of its plug tobacco. However, the Panic of 1906 devastated the City's fourteen tobacco factories.

By 1889, Martinsville had a diverse community of businesses despite its prior reliance on the tobacco industry. The early twentieth century saw the rise of the furniture empire in and around Martinsville. In Henry County, Bassett Furniture Company, for many years the largest manufacturer of furniture in the world, was founded by John David Bassett. A second furniture company, American Furniture, was founded by former tobacco manufacturers, A. Witten and C. Keesee. In the 1920's, Martinsville-Henry County's commercial community expanded with the establishment of two new banks, the area's first textile company, Pannill Knitting Company, and the Stanley Furniture Company. Thomas Bahnsen Stanley, a Bassett son-in-law who had been a coal miner, founded the Company and eventually served nine terms in the Virginia House of Delegates, two terms in the U.S. House of Representatives, and as governor of Virginia between 1954 and 1958.

In 1941, E.I. duPont deNemours & Company built the world's largest nylon plant just outside of Martinsville on the Smith River. The plant had a profound effect, both economically and culturally, on the area. It brought a new class of engineers, scientists, and technicians to Martinsville. In the early 1990's, a changing global economy and new trade treaties made Martinsville's manufacturing industries unsustainable. In June 1998, Dupont closed its nylon plant, ending 57 years of operation. The company that once employed nearly 5,000 workers ceased its business in the area.

Martinsville respects its past by maintaining the Martinsville Historic District, a national historic district that encompasses ninety-four contributing buildings, one contributing site, and three contributing structures in the central business district of Martinsville. The buildings range in date from the early-19th century through the mid- 20th century and include notable examples of the Romanesque, Federal, and Colonial Revival styles.

The Martinsville Bulletin is a daily newspaper serving the City of Martinsville and the surrounding Henry County, Virginia. The Bulletin's roots date back to 1889 and is the oldest continuously run business in Martinsville.

ECONOMY & ECONOMIC DEVELOPMENT

The Martinsville-Henry County area has undergone a complete transformation of industry. Once predominantly furniture, textiles and agricultural, the area has now diversified its economy and is home to plastics manufacturers, food processing facilities, call centers, back-office operations, and other types of firms. Furniture manufacturing remains an important part of the local economy. Recently, the Colorado-based apparel and footwear company, VF Corporation, announced an expansion that will invest \$10 million and create eighty-two new jobs.

Facing the challenge of economic restructuring, the region has initiated efforts to deal with large-scale job losses, factory closings, lingering unemployment, and general uncertainty over future prospects. The area has moved forward with the construction of shell buildings, industrial site development, the creation of the New College Institute, and increased quality of life opportunities through new cultural and recreational projects such as the Virginia Museum of Natural History and a planned sports arena and soccer complex.

The City and County work closely together to promote regional economic development and tourism through the Martinsville-Henry County Economic Development Corporation. The Martinsville and Henry County Joint Enterprise Zones Program is a Commonwealth of Virginia economic development program managed by the Department of Housing and Community Development. The State's Enterprise Zone Program is designed to provide incentives for businesses to locate or expand in designated zone areas. The City of Martinsville and Henry County have two joint zone designations consisting of over 7,900 acres of commercial, retail, office, and industrial properties. In addition, the City has designated two Urban Development Areas and has recently created an Industrial Development Authority.





TOURISM & RECREATION

Trout-filled rivers, quiet lakes, and gentle mountains provide abundant opportunity for citizens and visitors alike. Home to some of the finest recreational and cultural activities in the country, Martinsville's climate is just right for those who enjoy all four seasons with cool winters and pleasant summers. And, with a scenic backdrop of the Blue Ridge Mountains, the spring and autumn seasons are simply breathtaking.

Martinsville is known as a destination with "Deep Roots," where unique assets and rich legacies related to furniture and textiles, motorsports, outdoor recreation, and cultural arts offer exceptional visitor experiences.

The Martinsville Speedway opened in 1947 and the NASCAR Cup Series and NASCAR Xfinity Series host two races annually while the NASCAR Camping World Truck Series hosts one race. The speedway also hosts the NASCAR Whelen All-American Series.

The Martinsville Mustangs of the Coastal Plain League have been delivering premier summer collegiate baseball for the community's enjoyment at Hooker Field in Martinsville since 2005. The League and teams pride themselves on creating a professional, minor league-like atmosphere for players, coaches, umpires, and fans every summer.

Piedmont Arts Association, established in 1961, is a non-profit museum partner of the Virginia Museum of Fine Arts, accredited by the American Alliance of Museums. In the heart of Martinsville's Arts & Cultural District, Piedmont Arts is an award-winning art museum that curates thought-provoking exhibitions by international, national, and regional artists. The museum also offers performing arts, from concerts to plays and children's performances, and a full schedule of art classes for all ages.

Fayette Area Historical Initiative African American Museum and Cultural Center was created to collect, preserve, and interpret African American experiences and community life in Martinsville/Henry County. Exhibits showcase more than one hundred years of African American history on Fayette Street.

The Smith River Trail System offers many trails for hiking, biking, and geocaching in and around Martinsville. It is part of the larger Virginia Department of Conservation and Recreation's Beaches to Bluegrass Trail spanning from the Eastern Shore of Virginia to Kentucky. The Dick and Willie Passage Trail connects neighborhoods to shopping, dining, and entertainment along a 6.5 mile paved path in the former Danville and Western Railroad right of way.

Below Philpott Dam, a 44.5-mile section of the Smith River bisects Henry County, as it travels from Philpott Lake down to North Carolina. The river is known for outstanding fishing for stocked and wild rainbow and brown trout in its tailwater section.

The Virginia Museum of Natural History, established in 1984, is a non-profit museum affiliated with the Smithsonian Institution. As the state's museum of natural history, serving the entire Commonwealth and beyond, VMNH has award-winning exhibits, ground-breaking scientific research and collections, and innovative educational programs for all ages. With its outreach education programs, online resources, and traveling exhibits and displays, the VMNH is truly an institution without walls.

The Historic Uptown District is an exciting place to shop, live, play, and attend community events such as the Uptown Farmers' Market and Oktoberfest festival. Uptown Martinsville is home to a vibrant residential and business community with many dining, shopping, and entertainment options.

Something is always happening in Martinsville! For more information, visit the [Official Tourism Site](#) for Martinsville-Henry County Virginia.





HEALTH CARE

A healthy community is highlighted in the City's goals. Full service medical, dental and vision providers, including multiple urgent care facilities are available in the City. City residents have access to specialized health care services as well, including the Memorial Hospital of Martinsville-Henry County (SOVAH Health-Martinsville), Lewis-Gale Medical Center in Salem, Carillion Roanoke Memorial Hospital, Carillion Roanoke Community Hospital, Wake Forest Baptist Hospital and Forsyth Hospital in Winston Salem, and Duke University Hospital in Durham, N.C.

The West Piedmont Health District, a component of the Virginia Department of Health, provides public health services including immunizations, family planning, Medicaid screening, dental services, environmental health, and a variety of clinics. The Piedmont Regional Community Services Board provides mental health, intellectual disability, and substance abuse services to the region.

EDUCATION

Education has a long history in Martinsville as the first official school in Martinsville was the Martinsville Academy, incorporated in 1794. Four additional schools were founded in Martinsville before the Civil War. The first public school building was erected in 1904 at the corner of Cleveland and Brown Streets. Today, there are five public schools, a high school, a middle school, two elementary schools, and an early childhood center, serving about 2,000 students in Martinsville. All schools are fully accredited by the Commonwealth of Virginia, and they have attracted state and national recognition for excellence. Student opportunities include a STEM Academy, a preK-12 initiative focused on developing skills and interest in science, technology, engineering, and math, a Career Academy, promoting career and technical education applied to industry needs, and the Piedmont Governor's School for Mathematics, Science, and Technology, offering college credit courses to high school juniors and seniors.

The City is also home to the K-12 private preparatory school, Carlisle School, established in 1968. The school serves approximately 400 students, including about 130 high school students.

Patrick and Henry Community College, a two-year institution of higher learning, just outside the City limits, offers dual high school and career and technical education leading to associates and applied sciences degrees and career study certificates. New College Institute, located in the City, provides technology education, manufacturing training, and cooperative education programs with Bluefield University, Longwood University, Radford College, and Virginia Tech.

Danville Community College, through its Regional Center for Advanced Training and Technology (RCATT) provides workforce development training in factory automation and robotics. Danville Community College also partners with the Institute for Advanced Learning and Research (IALR) in an integrated machining technology program in the Gene Haas Center at IALR. IALR also hosts the Piedmont Governor's School for Mathematics, Science, and Technology and the Academy for Engineering and Technology.

Public and private higher education institutions located less than two hours from Martinsville include Averett University, Ferrum College, Virginia Tech, Radford University, Roanoke College, Hollins University, Liberty University, University of Lynchburg, Randolph College, Wake Forest University, Duke University, and the University of North Carolina at Chapel Hill.

DEMOGRAPHICS

The City of Martinsville has a population of 13,763 (2023 estimate). The surrounding Henry County, for which Martinsville serves as the urban center, has a population of 49,702 (2023). The City's residents are 48.5% white, 46.7% Black or African American, 3.2% multiracial, 1.0% Asian, and 8.0% Hispanic or Latino. The 2022 Median Household Income was \$39,127, with a median value of owner-occupied housing of \$82,800, and a poverty rate of 20.6%.





CITY GOVERNMENT & SERVICES

The City of Martinsville operates under a council-manager form of government. The city council has five members who serve staggered four-year terms. Every two years, the council elects a mayor and vice-mayor from among its members. An appointed city manager controls daily operations and manages the city's activities.

The City of Martinsville provides a range of services to the citizens and businesses of the City, including public safety, animal control, a bus system, telecommunications, electric and water utilities, community planning, zoning, building permits and inspections, emergency management, and parks and recreation facilities and programs. The City's Finance Department also provides accounting services for the Blue Ridge Regional Library, the Piedmont Criminal Justice Training Academy, the Dan River Alcohol Safety Action Program, and the Smith River Sports Complex. The City partners with Henry County for social services, E911 call taking and dispatch, the Piedmont Area Transit system, and the Blue Ridge Regional Library.

Martinsville offers a telecommunications infrastructure that rivals many larger markets. The City-owned MINet Solutions, a telephone and internet service provider, is currently available for local businesses and is pursuing expansion of residential services.

The Martinsville Electric Department was established in 1904 to provide electric service to Martinsville's residents, businesses, and industries. Over a century later, the department is still at work. It purchases wholesale power from American Municipal Power INC to meet the City's peak demand of 42 million watt-hours. The City also generates a portion of the city's peak demand energy at an historic hydroelectric dam on the Smith River. This clean, reliable source of electric generation meets two percent of Martinsville's power needs.

Martinsville maintains 21 miles of primary roadways and nearly 79 miles of secondary roadways, representing approximately 100 miles of total roadway.

The City has about 330 full-time and 110 part-time employees who are dedicated to and appreciated by the community that they serve. The Fiscal Year 2024 Budget includes a General Fund budget of approximately \$37.5 million, enterprise fund budgets (Refuse, Water, Sewer, Electric) of about \$38.5 million, a Telecommunications budget of \$2 million, and a Schools budget of \$25 million. The City also has a Capital Reserve of \$1.5 million.

Five constitutionally mandated officers, funded by state and local resources, are elected by, and serve City residents. They are not accountable to City Council but work closely with Council and the City Manager. The Martinsville Sheriff's Office is responsible for the City Jail, Court Services, and process serving in the City of Martinsville. The other constitutional officers are the Commonwealth's Attorney, Clerk of the Circuit Court, Commissioner of the Revenue, and Treasurer. The latter two provide real and personal property assessment and tax collection and utility, landfill, and business license fees, respectively.

Martinsville's relationship with Henry County is somewhat complex. Martinsville was fully included in Henry County's jurisdiction until it was incorporated as a city in 1928. As with all cities in Virginia, Martinsville's incorporation as a city made it independent from Henry County's jurisdiction. However, the future of this jurisdictional arrangement became unclear when Martinsville's city council unanimously voted in favor of beginning the process of reverting from a city to a town (which would reincorporate it into the county's jurisdiction) on December 10, 2019, citing economic and demographic concerns. In January of 2023, after an election brought new members to City Council, reversion was abandoned, and Council committed to focusing its energy on building a stronger City with a clear sense of identity and control over its own destiny.



THE POSITION

The City Charter establishes a Department of Law, consisting of the City Attorney and such assistant attorneys and other staff as authorized by City Council. The City Attorney serves at the pleasure of the City Council and is appointed by Council for an indefinite term. The position is that of a full-time City employee, with all the responsibilities, expectations, and benefits of City employment. The City of Martinsville, City Council, and City employees, shall be the sole client of the City Attorney. The authority and responsibilities of the City Attorney are established by City Charter, City Code, and by action of City Council.

AUTHORITY AND RESPONSIBILITIES

- Act as legal advisor to City Council, the City Manager and departments, boards, commissions, and agencies of the City; provide interpretations of codes, ordinances, statutes, regulations, and legal and legislative proceedings; furnish written opinions on questions of law when requested.
- Prepare ordinances, deeds, contracts, agreements, leases, franchises, releases, and other legal documents on behalf of the City.
- Review and advise or assist in the negotiation of contracts, leases, bonds, and bids.
- Assist in the development of and compliance with various City policies, including personnel and procurement.
- Assist in personnel matters, including policy development, training, and interpretation; participate in grievance procedures when appropriate.
- Institute, prosecute, and participate in legal proceedings necessary to protect the interest of the City.
- Manage any potential, threatened, or actual litigation, representing the City as counsel or engaging and coordinating with outside counsel when appropriate.
- Defend City employees in actions brought against them for conduct while in the line of duty.
- Oversee and manage City real estate matters, including the preparation of leases, contracts, title research, and the sale of tax delinquent property.
- Manage the City's risk management and self-insurance programs; respond to claims against the City.
- Build effective internal and external working relationships, work in partnership with the City Manager and collaborate, as needed, with the Constitutional Officers.
- Prepare and present training to City staff, City Council, and members of boards and commissions on the Freedom of Information Act (FOIA), the Conflict of Interest Act (COIA), and the Records Retention Act. Assist with responses to FOIA requests.
- Monitor legislation proposed in the Virginia General Assembly, advise City Council and the City Manager of potential impacts, and assist City Council in developing a position on proposed legislation; communicate Council's position to members of the General Assembly. Monitor Federal legislation and regulations impacting local governments and interact with Congressional representatives.
- Attend City Council meetings in person or assign an assistant to do so.
- Appoint and remove such Assistant City Attorneys and other employees as shall be authorized by City Council.
- Fulfill other duties as may be assigned by City Council.



QUALIFICATIONS, EDUCATION & EXPERIENCE

The following education and experience factors are the expected qualifications for successful performance:

- Juris Doctor in law from an American Bar Association approved law school.
- At least five (5) years of experience in the practice of law, including experience as counsel to a local government in Virginia.
- A member in good standing of the Virginia State Bar and licensed to practice law in the Commonwealth of Virginia.
- Knowledge of the statutory requirements of local government in the Commonwealth, including the Freedom of Information Act (FOIA) and the Conflict of Interests Act (COIA); an understanding of the Dillon Rule and other unique attributes of Virginia's local governments.
- A demonstrated commitment to ongoing professional development through membership in the Local Government Attorneys of Virginia, Inc. (LGA) and participation in conferences, seminars, and CLE training events.

PERSONAL TRAITS, DESIRED CHARACTERISTICS, AND PERFORMANCE EXPECTATIONS

- Absolute integrity, ensuring ethical, equitable, honest, fair, and open interactions with members of City Council, the City Manager, City employees and the public.
- Professionally competent, with confidence tempered by humility.
- Maintain regular and equal communications with City Council; ensure accessibility and approachability; keep the Council informed of legal matters and respond promptly to inquiries.
- Exercise sound independent judgment and render candid advice; refer not only to the law but to other considerations such as moral, economic, social, and political factors that may be relevant to the situation.
- Act as a facilitator; assist City Council and the City Manager to develop creative solutions that reduce potential risks to an acceptable level and help them to achieve their goals; if the law does not allow certain courses of action, suggest possible alternative solutions.
- Provide well-researched, succinct, prudent, and clear advice to facilitate timely decision making by City Council.
- Understand that decision-making responsibility and authority rests with City Council as a whole body; fully advise Council of the potential legal consequences of a decision and respect and support the final decision.
- Demonstrate collaboration and cooperation, proactively build partnerships with the City Manager and City department heads; participate in City Leadership Team meetings.
- Excellent communications and interpersonal skills including the ability to collaborate, listen effectively, and consider differing views.
- Not easily intimidated, yet tactful; able to diffuse tense situations and seek common ground when different perspectives create friction.
- Demonstrate a commitment to open and transparent government; support and protect the City's reputation.
- Seek feedback and guidance and provide perspective through annual performance evaluations.



NEAR-TERM ACTIVITIES OF THE CITY ATTORNEY WILL INCLUDE:

- Immediately engage with City Council and staff, review City Charter and Code, policies, procedures, and practices, and get up to speed on active and upcoming issues.
- Recommend to City Council a departmental organization and structure to effectively fulfill assigned responsibilities. Consider the capacity for providing legal services to other organizations such as the School Board and the IDA.
- Guide City Council through a review of the City Charter and draft amendments for introduction in the Virginia General Assembly.
- With the City Manager, conduct a review of City ordinances, policies, and procedures and propose amendments for consistency with statutes and regulations and to implement best practices.
- Support City Council's on-going learning and development as a governing body.

COMPENSATION & BENEFITS

Compensation for the City Attorney will be competitive depending on qualifications and experience. The successful candidate will be offered a generous benefits package including participation in the Virginia Retirement System (VRS), health insurance coverage, paid time off, deferred compensation, professional development support and other benefits as identified in a negotiated employment agreement.

APPLICATION PROCESS

A formal review of applications will begin on May 31, 2024, and those candidates considered to most closely match the qualifications contained in this profile will be contacted for initial virtual interviews. Applications received after that date may be considered until the position is filled, however, timely submittal will ensure the most advantageous review. To be considered, please submit a cover letter, resume, and proof of licensure, with salary expectations and professional references, to The Berkley Group, via email at kimball.payne@bgllc.net. Questions may be directed to:

Kimball Payne

The Berkley Group

P.O. Box 181

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For Additional Information Visit: [Martinsville, VA | Official Website \(martinsville-va.gov\)](http://Martinsville, VA | Official Website (martinsville-va.gov))

The City of Martinsville is an Equal Opportunity Employer